REMARKS

The present Amendment is in response to the Office Action mailed April 7, 2008. New claims 31-33 are added. Claims 5, 11, and 13-33 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claims. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claims and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

Interview Summary

On June 10, 2008, Applicant's attorney conducted a telephone interview with the Examiner. The Examiner indicated that amendments directed to compensating for defects in a detector would distinguish over the cited portions of *Anderson*. The Examiner noted that further analysis of *Anderson* and further searching would be required before allowance and that any claim amendments should be directed to the elected species.

Rejection Under 35 U.S.C. § 103

The Examiner rejects claims 5, 11 and 13-30 under 35 U.S.C. § 103 over Applicant's admitted prior art in view of U.S. Patent No. 5,495,329 to Anderson, II et al. (*Anderson*).

Anderson discloses a system for, among other functions, measuring the brightness of a lamp to determine whether the intensity of the lamp has stabilized or the lamp needs to be replaced. For example, *Anderson* teaches measuring the intensity of a lamp over time by "detect[ing] light that is emitted by the lamp 38 and reflected from [a] reference white strip." Col. 10, lns. 1-3. The output of a detector is sampled periodically to generate sets of five samples. Col. 10, lns. 17-32. The samples are then evaluated to determine the brightness and flatness of the brightness of the lamp. Col. 10, ln. 54 – Col. 11, ln.7. A "test failure result is indicated if the detected reflected light beam is determined not to have stabilized within a predetermined time period, or the output flatness of the illuminating device is determined to be outside a preselected range, or the overall brightness of the illuminating device is determined to be less than a selected minimum value." Col. 4, ln. 66 – Col. 5, ln. 6.

In contrast with Anderson, claim 5, recites, in combination with other elements, "detecting a color for which the optical detector has insufficient sensitivity; and replacing the light with a color light source having a color effective to reflect and enhance intensity of the color for which the optical detector has insufficient sensitivity."

Anderson does not in any way teach or suggest any methods or apparatus for compensating for a detector having "insufficient intensity." *Anderson* further does not teach or suggest "replacing the light with a color light source effective to reflect and enhance intensity of the color for which the optical detector has insufficient sensitivity."

If the tests of *Anderson* reveal that a lamp is defective, then a "test failure result is indicated." The device of *Anderson* ascertains only whether a bulb is defective for having insufficient or unstable intensity and does not determine whether a detector has "insufficient sensitivity" with respect to specific colors. The detector of *Anderson* detects only intensity and therefore there is no possible means to determine a color of a replacement light source, but rather only that a replacement light source having sufficient brightness is required.

Furthermore, the system of *Anderson* assumes a properly functioning detector in order to accurately detect the lamp intensity. There is therefore no teaching or suggestion with respect to compensating for a detector that has insufficient intensity with respect to any one color. The device of *Anderson* relates only to evaluation of the intensity of lamps, not to the evaluation of detectors. *Anderson* therefore does not teach or properly suggest all the elements of claim 5.

With respect to claim 11, Anderson fails to teach or suggest, in combination with the other elements of the claim, "a color light source capable of radiating the document to obtain an imaging light, wherein the color light source has a color according to a color for which the optical detector has insufficient sensitivity."

With respect to claim 15, *Anderson* fails to teach or suggest, in combination with the other elements of the claim, "means for receiving the imaging light passing through the means for allowing light to pass therethrough, wherein the means for radiating the document has a color according to a color for which the means for receiving the imaging light has insufficient sensitivity."

With respect to claim 21, *Anderson* fails to teach or suggest, in combination with the other elements of the claim, "detecting a color for which an optical detector of an optical scan

module has insufficient sensitivity, the optical scan module comprising at least a light source, wherein the light source is used to radiate a document to obtain an imaging light at the optical detector; and replacing the light source with a color light source having color selected from a group consisting of red, green and blue colors to reflect and enhance intensity of the color for which the optical detector has insufficient sensitivity."

With respect to claim 24, *Anderson* fails to teach or suggest, in combination with the other elements of the claim, "means for receiving the imaging light, wherein the means for radiating the document has a color according to a color for which the means for receiving the imaging light has insufficient sensitivity."

Support for the amendments to claims 5, 11, 15, 21, and 24, may be found on page 3, lines 14-17, which state "The light sensitivity of the charge-coupled device 600 is degraded due to different light sensitivity generated for different colors .... Accordingly inconsistent output intensities for red, green, and blue light are generated by the charge-coupled device."

Claims 13-14, 16-20, 22-23, and 25-30, are dependent on claims 5, 15, 21, and 14, respectively, and are therefore allowable for at least the reasons discussed hereinabove.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 7th day of July 2008.

Respectfully submitted,

/R. Burns Israelsen/ Reg. No. 42685

R. BURNS ISRAELSEN
Registration No. 42,685
Attorney for Applicant
Customer No. 022913
Telephone: (801) 533-9800

RBI/MGP